

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11833 OF 2024

Bharat Petroleum Corporation Limited

... Petitioner

Versus

Paramjitsingh Ghai & Ors.

... Respondents

Mr. Prasad Dani, *Sr. Advocate a/w Ms. Roopdaksha Basu a/w Heenal Wadhwa i/b The Law Point* for the Petitioner.

Mr. Pradeep J. Thorat *a/w Ms. Aditi S. Naikare* for Respondents.

Mr. Batraj Singh Ghai *present in Court.*

CORAM : SANDEEP V. MARNE, J.

DATE : 21 AUGUST 2024.

P.C. :

1) The challenge in the present Petition is to the Order dated 19 August 2024 by which the executing Court has rejected the Application filed by Petitioner seeking time of 60 days for depositing the decretal amount and has allowed the application filed by the Decree Holder for attachment of Petitioner's property. It appears that there is a debate amongst parties about the exact decretal amount upto 31 August 2024. While it is the contention of Petitioner – BPCL that the total decretal amount till 31

August 2024 is Rs.9,29,97,401/-, it is the contention of the Decree Holder that the correct amount upto 31 August 2024 is Rs.9,55,10,849/-.

2) Mr. Dani, the learned Senior Advocate appearing for Petitioner, after taking instructions from his clients and without prejudice to the rights and contentions of Petitioner, makes a statement that an amount of Rs.9,55,10,849/- shall be deposited by Petitioner – BPCL in the Executing Court within 15 days from today. Mr. Dani would further submit that petitioner shall raise no objection for withdrawal amount of Rs. 9,29,97,401/- by the Decree Holder out of the said deposited amount. Both the statements are accepted as undertakings given to this Court.

3) Since the Petitioner has shown willingness to deposit the entire decretal amount as computed by the Decree Holder, nothing survives to be adjudicated in the present Petition. Consequently, the Order passed by the Executing Court for attachment of property of the Petitioner shall not be executed for a period of 15 days. It is made clear that in the event of Petitioner failing to deposit the amount as observed above within the stipulated time, the order of the Executing Court for attachment of Petitioner's property shall forthwith be executed.

4) With the above observations, the Writ Petition is disposed of.

[SANDEEP V. MARNE, J.]